

DISTRICT JUDGE'S MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – TUCSON

U.S. District Judge: John C. Hinderaker
USA v. Michael Leroy Witt

Date: July 8, 2024

Case Number: CR-23-00389-TUC-JCH (EJM)

Assistant U.S. Attorneys: Jennifer Berman & Ryan Dejoe
Attorneys for Defendant: Angeles Ellis, AFPD & Peter Matiatos, AFPD
Deputy Clerk: Armida Butler
Court Reporter: Linda Parks

Defendant: Present Not Present Released Custody Summons Writ

JURY TRIAL (Day 1):

9:20 a.m. – Discussion held regarding draft of preliminary jury instructions. Government has no objection to the draft preliminary jury instructions. No objection by defense counsel apart from request to include additional language within the charge.

Government objects to admittance of defense exhibits 78 and 79, for reasons stated on the record and the Court takes this matter under advisement.

Prospective jurors enter the courtroom at 09:50 a.m.

Prospective jurors are sworn and *voir dire* commences.

Recess taken at 11:20 a.m.

11:42 a.m. – Prospective jurors enter the courtroom to resume *voir dire*.

12:35 p.m. – Prospective jurors are excused from the courtroom to allow counsel to make strikes.

1:05 p.m. – 13 jurors are selected.

Jurors are sworn.

Court instructed the jury of the Admonition and further instructions are given.

Jury is excused for lunch recess at 1:20 p.m.

For reasons stated on the record, the Court overrules objection made by defense to include the phrase making physical contact within the charge.

Lunch recess: 1:40 p.m.

2:50 p.m. – Court in session.

3:05 p.m. - Jury enters the courtroom.

Opening instructions are given.

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3:18 p.m. – Stipulation by the parties read by the Court to the jury.

3:20 p.m. – Government's opening statement given by Jennifer Berman.

3:32 p.m. - Defense opening statement given by Angeles Ellis.

3:41 p.m. – Government's witness USBP Agent Thomas Gonzales is sworn and examined by Jennifer Berman. Government's exhibits 1, 2, 3, 4, 5, 6 & 8 are admitted.

Jury is excused for the day at 4:25 p.m.

Legal matters and trial time schedule are discussed.

Proceedings recess for the day at 4:38 p.m. Trial continues to 7/09/2024 at 9:30 a.m. before John C. Hinderaker.

Jury Trial: 5 Hours 46 Minutes

Start: 9:20 a.m.

Stop: 4:38 p.m.